

## State Water Resources Control Board

May 15, 2017

(Via email and Certified Mail)  
**CERTIFIED MAIL**  
**NO. 7015 1520 0001 8017 0583**

Mr. Mike Arnerich  
Public Works Supervisor Fleet/Facilities  
City of Livermore  
3500 Robertson Park Road  
Livermore, California 94550  
[mparnerich@cityoflivermore.net](mailto:mparnerich@cityoflivermore.net)

**SUBJECT: NOTICE OF VIOLATION; UNDERGROUND STORAGE TANK SYSTEMS  
LOCATED AT CITY OF LIVERMORE MSC, 3500 ROBERTSON PARK ROAD,  
LIVERMORE**

Dear Mr. Arnerich:

As part of an initiative by the State Water Resources Control Board (State Water Board) to ensure compliance at government-owned and/or operated underground storage tank (UST) facilities in California, the State Water Board staff inspected the USTs at your facility on April 28, 2017, pursuant to authority under Health and Safety Code (H&SC), chapter 6.7, section 25289.

The State Water Board has identified the following violations pursuant to H&SC, chapter 6.7, and California Code of Regulations (CCR), title 23, chapter 16:

No.	Violation	Tank	Start Date	Stop Date	Regulation
1	<b>Failure to Maintain Operating Permit</b> – The permit to operate observed at the time of inspection expired on November 29, 2010.	All	November 30, 2010	Ongoing	H&SC 25284(a)
2	<b>Failure to Maintain Plot Plan/Site Map</b> – An approved plot plan/site map indicating the location of the product piping, tanks, and auxiliary equipment with respect to buildings or other landmarks, such as the street was not available in CERS or onsite at the time of the inspection.	All	April 28, 2017	Ongoing	H&SC 25286(a); 23 CCR 2711(a)(8)

No.	Violation	Tank	Start Date	Stop Date	Regulation
3	<b>Failure to Maintain Monitoring and Testing Records Onsite</b> – The 2017 and 2016 annual monitoring certifications, spill containment tests, line leak detector tests, and the most recent secondary containment testing report were not available at the time of inspection. These testing documents must be kept onsite for three years.	All	April 28, 2017	Ongoing	H&SC 25293; 23 CCR 2712(b) and (i)
	<b>Failure to Perform Designated Operator (DO) Inspections</b> – The monthly DO inspection report for July 2016 was not available at the time of inspection.	All	July 1, 2016	July 31, 2016	23 CCR 2715(c)
5	<b>Failure to Perform Annual Monitoring Certification</b> – The annual monitoring system certification has not been performed in 2017 or 2016.	All	January 1, 2016	Ongoing	23 CCR 2638
6	<b>Failure to Perform Annual Spill Containment Testing</b> – The annual spill containment testing has not been performed in 2017 or 2016.	All	January 1, 2016	Ongoing	H&SC 25284.2
7	<b>Failure to Perform Annual Line Leak Detector (LLD) Testing</b> – The LLD testing has not been performed in 2017 or 2016.	Unleaded and Diesel	January 1, 2016	Ongoing	H&SC 25291(f); 23 CCR 2638
8	<b>Failure to Perform Secondary Containment Testing</b> – The secondary containment testing for 2016 has not been completed.	All	March 1, 2016	Ongoing	23 CCR 2637
9	<b>Failure to Maintain Spill Containment Requirements</b> – The spill containment devices contained either liquid or debris preventing their ability to hold five gallons.	All	April 28, 2017	Ongoing	23 CCR 2635(b)(1)
10	<b>Failure to Monitor Product Piping</b> – The sensor in the turbine sump is not able to detect a leak at the earliest opportunity because it is not at the lowest point within the sump.	Diesel	April 28, 2017	Ongoing	23 CCR 2630(d)
11	<b>Failure to Monitor Product Piping</b> – The sensor in the turbine sump is not able to detect a leak at the earliest opportunity because it not placed below the product piping.	Unleaded #1 and #2	April 28, 2017	Ongoing	23 CCR 2630(d)

No.	Violation	Tank	Start Date	Stop Date	Regulation
12	<b>Failure to Monitor Product Piping</b> – The sensor in piping sump is not able to detect a leak at the earliest opportunity because it was not in a vertical position.	Unleaded #1	April 28, 2017	Ongoing	23 CCR 2630(d)
13	<b>Failure to Monitor Product Piping</b> – The sensors in UDC 5-6 and UDC 7-8 are not able to detect a leak at the earliest opportunity because they were not in a vertical position.	Unleaded #2 and Diesel	April 28, 2017	Ongoing	23 CCR 2630(d)

**You are directed to correct the ongoing violations and submit compliance documentation to the State Water Board and the Livermore Pleasanton Fire Department within sixty (60) days from the date of this letter. Have your DO make specific notations in the next monthly DO report indicating the ongoing violations have been corrected. The monthly DO report and any associated photos must be submitted as proof of compliance.**

Please send all compliance documentation to the following:

**State Water Board**

Mr. Will Speth  
UST Enforcement Unit  
Office of Enforcement  
State Water Resources Control Board  
801 K Street, Suite 2300  
Sacramento, California 95814  
[will.speth@waterboards.ca.gov](mailto:will.speth@waterboards.ca.gov)

**Local CUPA**

Ms. Danielle Stefani  
Assistant Fire Marshall  
Livermore Pleasanton Fire Department  
3560 Nevada Street  
Pleasanton, California 94566  
[dastefani@lpfire.org](mailto:dastefani@lpfire.org)

Pursuant to Health and Safety Code, chapter 6.7, section 25299, the owner and operator of the tank(s) are liable for a penalty of \$500 to \$5,000 per tank, per day of violation. These penalties will continue to accrue until the violations have been corrected.

If you have any questions, please contact me at (916) 341-5551, or by email at [amantha.henkel@waterboards.ca.gov](mailto:amantha.henkel@waterboards.ca.gov).

Sincerely,



Amantha Henkel  
Senior Environmental Scientist  
UST Enforcement Unit  
**Office of Enforcement**

cc: See next page.

cc: *(via email only)*

Ms. Danielle Stefani  
Assistant Fire Marshall  
[dastefani@lpfire.org](mailto:dastefani@lpfire.org)

Ms. Eumy Hung  
Hazardous Materials Inspector  
[ehung@lpfire.org](mailto:ehung@lpfire.org)